

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:02CR214
)
 Plaintiff,)
)
 vs.) **MEMORANDUM**
)
) **AND ORDER**
JOSEPH M. POLAK,)
)
 Defendant.)

This matter comes on to consider the government's oral request for hearing on Rule 35(b) motion. Having considered the matter,

IT IS ORDERED that:

- (1) The government's oral request for hearing on Rule 35(b) motion is granted.
- (2) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 53) has been set before the undersigned United States district judge at 9:00 a.m., Friday, August 5, 2005, in the Special Proceedings Courtroom, Roman L. Hruska United States Courthouse, Omaha, Nebraska.
- (3) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.
- (4) The Marshal is directed not to return the defendant to the district.
- (5) The defendant is held to have waived his right to be present.

July 11, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge